



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

COVID-19 and Justice-related Issues:
Mrs Naomi Long MLA, Minister of Justice

30 April 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Ms Linda Dillon (Deputy Chairperson)
Mr Doug Beattie
Ms Jemma Dolan
Mr Gordon Dunne
Mr Paul Frew
Ms Emma Rogan
Miss Rachel Woods

Witnesses:

Mrs Long	Minister of Justice
Ms Deborah Brown	Department of Justice

The Chairperson (Mr Givan): Members were asked to submit questions in advance of the evidence session. A number of members did so, and we have grouped the questions into relevant areas. The way that we will handle this, which the Minister has agreed, following communication between the Department and the Committee Clerk, is that, following an initial brief overview, we will take each grouping, and the Minister will respond to the questions that were submitted. I will then go to each member who submitted questions before opening the meeting to others who did not submit questions. At that point, other members can feel free to come in. The intention is that this will take no longer than 90 minutes. So, members and Minister, if we can work with one another, that would be appreciated.

I welcome the Minister of Justice, Naomi Long, and Deborah Brown, director of the justice delivery directorate in the Department of Justice. The meeting will be recorded by Hansard, and the report will be published in due course.

Mrs Long (The Minister of Justice): First of all, thank you very much for the invitation to come to the Justice Committee. Also, thank you for the reassurance that it will not be a marathon session like the last one, which was pretty long for all of us. Hopefully, it was a good engagement. It was certainly very helpful for me to be able to have that engagement with the Committee at the beginning of the term.

I welcome the opportunity to provide an update on the Department's response to COVID-19 and the ongoing challenges that we face. This builds on my 16 March statement on the Department's initial response to the coronavirus pandemic and my statement on 30 March on the temporary release of some prisoners. On 23 March, I was, I think, the first Minister to take general questions in the Assembly on COVID-19, when the Speaker agreed to my request to make a statement to the Assembly. In the past weeks, members have heard evidence from a number of my officials on COVID-19 and the departmental response.

First and foremost, I want to express my appreciation to members of the Committee for their very constructive assistance and support in what have been extraordinary times. The Department has focused on ensuring that key services are maintained, staff and those in our care are protected, and public safety is preserved during the pandemic. The Department was quick to organise its response and, within days of the World Health Organization declaring COVID-19 a global pandemic, it had stood up its departmental operations centre and its business continuity arrangements. Both have worked well in providing the evidence and analysis to support quick and clear decision-making and to identify issues that need to be escalated to the Executive or the civil contingencies group (CCG).

The Department has also played a key role in the Executive's strategy for dealing with COVID-19. We have two work streams within that strategy. The first is ensuring the continued safety of custodial environments. We have already heard from officials about how the Prison Service and the Youth Justice Agency have continued to achieve this. This has taken significant effort by a large number of people, and I want to pay tribute to the staff in both those organisations. The infection control measures put in place in custodial environments, including precautionary isolation for new committals and the availability of personal protective equipment (PPE) for staff, have meant that none of the prisoners or young people in our care has tested positive for COVID-19. Five prison officers have tested positive for COVID-19, and our thoughts are with them and their families at this difficult time.

Our second work stream in the Executive strategy is to make respectful arrangements to respect the dignity of the deceased. That has involved two main actions for the Department. The Department of Health has also helpfully issued guidance to funeral directors in that regard. The first action for Justice was to establish additional mortuary capacity through the development of a temporary resting place at Kinnegar. Staff in my Department, partners and contractors worked extremely hard to develop that site within a very short time frame, and it has now been handed over from the contractors. I sincerely hope, having visited the site, that we never need to use it. The second action has been to ensure that funeral directors have enough personal protective equipment. Despite some initial difficulties, the situation is improving and sufficient PPE is now available for them.

While the work in prisons and on the temporary resting place is significant, it would be remiss of me not to mention the excellent work that has taken place more widely right across the justice family. Staff throughout the Department have risen quickly to the challenges that we have faced as a result of the pandemic, and have quickly reorganised to ensure that key services continue to be delivered and operate. Additional IT solutions have been provided at pace in order to allow remote working where possible. Over 80% of our staff are now regularly working remotely or on site. We are using rotas to facilitate social distancing, and that has meant that not only have we kept key services going but we have been able to continue delivering on a number of the Department's key priorities throughout this time. A good example of this is the Domestic Abuse Bill, and I know that many of you were engaged in the Second Stage of that legislation earlier this week.

There has been much in the media and nationally on PPE and testing. We have had a clear focus from the beginning on ensuring that our front-line staff are adequately protected. The Prison Service has worked hard to secure PPE, and sufficient supplies continue to be available. We regularly monitor stocks of PPE across front-line areas of the Department, as well as in the PSNI, and sufficient supply is there. Testing has been available for front-line staff who need it from 7 April, and testing capacity has been ramped up further from the start of this week.

I also want to pay tribute to the PSNI who have played a key role in policing the coronavirus restriction regulations that were brought forward by the Health Minister. As I said previously, I believe fundamentally in personal freedom, but I also believe in personal responsibility. If people will not take responsibility for their actions, they have to be held responsible and accountable. Therefore, I am grateful to the PSNI for their key role in those difficult circumstances.

Lockdown remains in place. However, it is right that we also plan for what happens beyond this period, whenever that might be. Work has begun across the Executive on recovery planning to be undertaken in each Department but within an overall framework for the Executive and other public bodies. Our aim in recovery planning will be to manage a gradual return to more normal levels of operation but also making sure that we retain some of the very positive ways of working that have been introduced due to the current situation. Our recovery plan will take into account public health advice and the need to deliver important public services in the best way that we can. Work is still at a preparatory stage, and if the Committee is content, I will ask officials to brief the Committee when we have done more thinking on those issues.

Finally, I plan to make a statement to the Ad Hoc Committee on the Department's COVID-19 response at some point next week.

The Chairperson (Mr Givan): Thank you, Minister, for that overview. We will pick up on some aspects of those issues when we go into the different groupings. I am happy to move straight into the first grouping, which is about the regulations that have imposed the restrictions that are now in place. I know that you should have got sight of the areas that we are covering. Would you like to make some remarks?

Mrs Long: Yes. I want to make one brief opening remark about the regulations. I am not the Minister responsible for the regulations; that is a matter for the Minister of Health, who brought them forward with his recommendations. The enforcement of the recommendations and the regulations is an operational matter for the PSNI. While the lockdown and the social-distancing measures are having an unprecedented impact on individuals — and we all recognise that they are also having an impact on businesses and communities — they are essential in limiting community transmission of COVID-19, reducing the number of excess deaths and protecting our public and essential services. If we contrast the original figures, which were shared with us by the Health Minister at the beginning of the pandemic, of a prediction of about 15,000 people who could lose their life as a result of the first wave of COVID-19 with the current projected figures of about 1,500 people, I do not think that anyone would question the effectiveness of the measures that have been taken. The restrictions are working, but it is vital that we do not become complacent. We need to maintain public confidence and adhere to the restrictions if we are to maintain our ability to protect everyone as we have done to date.

The Chairperson (Mr Givan): On the issue of maintaining public confidence in the measures that were introduced, can you comment further on the Police Service's initial interpretation of the regulations? They indicated that they got their own legal opinion on the matter, although that ran contrary to the decisions taken by police forces in Great Britain, particularly in respect of exercise. Granted, the issue has been subsequently clarified by further reasonableness in circumstances that the Executive agreed. Initially, however, that interpretation caused issues that, I think, would cause people to question their future confidence in the Police Service's decision-making and which would be helpfully clarified.

Mrs Long: First, the PSNI's legal interpretation and enforcement of the regulations is an operational matter for the Chief Constable; he is accountable to the Policing Board. I have committed to respecting the operational independence that he enjoys in that respect. There was no indication at Executive level that what was being suggested by the police, in the context of the work that they were doing, was going further than the medical necessity. Obviously, that is a matter that was mainly resolved in liaison between Health and policing. Whilst the Justice Department is willing and able to assist with that, it ultimately comes down to those two bodies liaising to resolve any queries.

The Chairperson (Mr Givan): The Department of Justice would have been involved, as we know from briefings, in drafting the regulations. Was it solely a matter for Health when it came to the regulations that the Police Service said that it was following, or was there any input from your Department in the drafting of the regulations?

Mrs Long: The drafting of the regulations was a matter for Health. The only input that Justice had was on issues that would have affected justice elements, such as the issue of penalties. We would not have had any input into the basic health premises behind the regulations — the nature of the restrictions that would be included or the powers that were being given to the First Minister and the deputy First Minister or the Minister of Health to make rulings under the regulations.

The Chairperson (Mr Givan): When clarification was provided by the Executive, the Police Service indicated that it would have been helpful had it been clearer. When Alan Todd was at the Committee, he said that it was not something that they had been seeking clarity on initially, but when there was a problem, they sought that clarity. It is about having confidence that when the regulations are being applied, the police have discretion when the law has been breached, but they do not have discretion to make up the law. There is a concern that they were going beyond the law when it came to the interpretation of the reasonableness of the regulations. That is why clarity needed to be provided by the Executive.

Mrs Long: As you will be aware, that is subject to a judicial review. It would not be helpful or appropriate for me to speculate on whether they went beyond the law or simply enforced the law as it

existed with the reasonableness test. That is something that the courts will look at in retrospect. With the current situation, I think that the clarification has come on the regulations and what was, I think, believed by the Executive to be implicit is now explicit. That should, therefore, make it much more simple for the police to do their job.

The Chairperson (Mr Givan): Has there been engagement with the Attorney General by way of the guidance being provided? I understand that there have been conversations with the Public Prosecution Service (PPS), which was involved in drawing up the guidance in England for the police service. There have been conversations with the Attorney General's office, the Public Prosecution Service and the PSNI to ensure that what is understood to be the correct legal interpretation is being applied and that guidance is provided for that.

Mrs Long: As you will appreciate, the three bodies and individuals that you have named operate independently of the Department of Justice, so I cannot really answer for any of them in respect of the conversations that they might have had amongst themselves, but it has certainly always been our view in the Department that we need to take a joined-up approach — not only at the Executive but as the justice family — when it comes to dealing with these issues.

The Chairperson (Mr Givan): I certainly agree. The police have been doing an excellent job in this area. I was stopped by the police and questioned about why I was coming to Stormont, and the female officer was more than pleasant and understanding and accepted it.

Mrs Long: Were you able to assure her that it was essential? *[Laughter.]*

The Chairperson (Mr Givan): Coming to see you, Minister, is always essential.

Mrs Long: Of course.

The Chairperson (Mr Givan): I know that there have been examples where that has not always been the case. Some officers have interacted with the public in ways that might not always have been what would be expected. Certainly, in the large, I can understand the difficulty that they are under and the way in which they are going about the policing of it.

Mrs Long: I am sure that it is also worth saying that perhaps not everyone that they interact with would be as courteous as you. It is worth bearing in mind that the police have always taken the four Es approach. It is only at the end that enforcement comes in, so, where people are willing to engage politely with the police and where they are willing to be encouraged to take the advice seriously, enforcement notices are often not required. It is simply a matter of asking people not to do whatever it is that they are doing that they should not be doing. Enforcement is the last line of defence, if you like. There is, I think, increasingly a pushback from people against the advice that is being offered to them, not only by the police but, anecdotally, I have heard that people who work in shops and council staff who are trying to enforce social distancing are taking quite a bit of abuse.

We need to reinforce, as part of our leadership politically, that those giving this advice do so to keep people safe. It is not to be fun sponges and make everyone's life a misery. That is not the intention. People need to respect the fact that, when they are asked to do something, it is not because people are trying to control their day-to-day lives unnecessarily; it is to save lives and to keep them safe. Obviously, the police will have had their fair share of abuse while they do an important part of their job in keeping the community safe.

The Chairperson (Mr Givan): Agreed. Rachel, you had some questions on this, so I am happy for you to come in.

Miss Woods: Thank you. A number of my questions were answered in the previous session. Does the Department ever have sight of the guidance that is issued to the PSNI?

Mrs Long: It is for the Policing Board to scrutinise the guidance that is circulated to the police; it is also for the Chief Constable because it is an operational matter. We do not have oversight of operational matters. I have seen, for example, the National Police Chiefs' Council guidance, which was published online. As I have had sight of it, I know the approach that it was taking. I have also had conversations with the Chief Constable about the approach that he was taking and which his officers were being advised to take. *[Inaudible]* in the form of them passing on published guidance.

Miss Woods: Thank you. I am sure that this issue will be coming up for a number of Ministers, and, again, it is an operational matter for the police. With the potential reopening of certain churches, household recycling centres or garden centres — it was on the news this morning — would guidance issued to people who are travelling to such places come under the Justice Department? Would that guidance be issued to police so that, if people were travelling to a household recycling centre, should those reopen, they would not be breaking the law?

Mrs Long: The issue in this is that there may need to be changes to the regulations to allow for travel. In some cases, travel that accompanies the particular essential activity is permitted; in others, it is not quite so clear. Therefore, there may need to be further changes to the regulations if we reach that point. The importance for the police, and for the public at large, is clarity and consistency. When the messaging becomes muddled and the public become confused about what is being required of them, we are much more likely to get conflict when the police ask them to do something or not to do something. When, at the beginning, the messaging was clear and concise and people were confident about what they were being asked to do, they were, in the main, happy to do that and to continue to do it for as long as was required for health reasons.

On the preparation of the travel restrictions, those are health-led. We are only asking people not to do things for health reasons. The coronavirus regulations, and, indeed, the legislation, were very clear that this is only for the coronavirus pandemic. There are no powers for Ministers to use the legislation for other purposes, such as controlling people's movements or anything else. It is only where it is required in order to protect people in the pandemic. So, it would not come directly from me; it would come from the Executive via the Health Department.

Mr Frew: Please accept my apologies, Chair and Minister, for being late and not making the start of the meeting.

I have worries about this, and I hear everything the Minister says about the best intentions and the fact that we are doing these things to save lives. I agree with all that, but, with this draconian legislation, it is completely abnormal what we are asking the police to do. So, it is inevitable that things will go wrong. Whilst 99% of the operation will be very good and slick, grave mistakes have been made. Some have been quite peculiar and some quite serious. Family members who were bringing hot food to an older loved one who happened to live in a satellite village out of the main population centre were refused and turned around. I do not know whether the Minister has ever had the good fortune to visit Buckna, but a Buckna resident was coming to Broughshane to do her shopping, and the police officer told her that she should shop in Buckna. The Minister will probably realise that there are no shops in Buckna. So, even local knowledge is a massive issue here for the police in where and how they stop vehicles. Such interventions can do tremendous damage to confidence in the police and, by extension, to the Executive.

We are talking about freedoms here. These laws bore right into the psyche of a nation and the freedoms that we have, which we should all guard and defend diligently. There are issues and peculiarities that we will have to question and deal with when we are scrutinising this legislation. Are you concerned about some of the stories that you have heard? You talked about clear messaging, and I get that, but, on the other hand, people are not stupid. How do we get the message across that this has been a success and that the police have been trying their best but that we need to iron out these mistakes?

Mrs Long: There are a number of questions rolled up in that. First, I cannot answer for operational policing issues. It would not be appropriate for me to do so or to comment on individual examples, other than to say that I am familiar with both Buckna and Broughshane. My family is originally from Bushmills, so I know that end of the country quite well.

You are correct that these are abnormal times and abnormal impositions on people's personal freedoms. You do not need to encourage me as a liberal and somebody who believes in personal freedom and free choice to say that these are major impositions on people's freedoms, but we are in abnormal circumstances. A pandemic is not normal circumstances. For me, the test of whether the legislation was proportionate and appropriate came in the form of, first, the fact that it will lapse automatically after two years, that it has restrictions, and that it can be used only in this pandemic. Therefore, if there was another pandemic, for example, new legislation would have to be brought to Westminster and scrutinised and the process would have to restart. It will be scrutinised by Westminster every six months so that they can decide whether it can be repealed sooner.

The regulations are reviewed every three weeks, by law. That provides the checks and balances to ensure that we are not doing a power grab over individual personal freedoms. That is not something that I would be comfortable with or would endorse. However, I believe that the ultimate personal freedom is the freedom to live. If you are doing things for public protection reasons, with good justification, it is reasonable and rational that, at times like this, the Government have a duty to protect the public and ensure that people are kept safe. It is about striking a balance between the duty of protection and people's individual freedoms. It is not only about freedoms, of course; it is about responsibilities. As part of a community, we have responsibility not just for ourselves but for our neighbours and the rest of our community. If we, as individuals, behave in a reckless fashion and put other people in danger, we have to intervene, as we would in the normal flow of justice. All our freedoms are, ultimately, curtailed by exercising them responsibly.

With regard to the individual circumstances that you mentioned, as I have said, I cannot comment on those, but I can comment, more generally, on some of the reported issues. Having discussed them with the police, as you would expect me to do, I have found that a number of them have not been reported accurately; a number have been exaggerated; some did not occur at all; and some did not occur in Northern Ireland. There have been a number of issues, undoubtedly. The Police Service would be the first to admit that it is not perfect — none of us is. Like everyone else, officers will have their good and bad moments. In general, however, the police have behaved appropriately and proportionately. That is reflected in the relatively small number of enforcement actions that have been taken and the context in which they have been taken.

In Northern Ireland, people have a greater oversight around human rights and personal freedoms with the accountability structures from the ombudsman's office and the Policing Board. There are mechanisms in place through which people who feel that they have been inappropriately treated by the police can make a complaint. In fact, the number of complaints to the Police Ombudsman has been relatively small and, of those, the vast majority are for informal resolution, so they would be on the less serious end of complaint.

All of that should be reassuring that it is not about authoritarianism creeping into the system; rather, it is a genuine attempt, by the PSNI, to support the Executive and the Department of Health in tackling the pandemic for the public good. I hope that people will cooperate with them, but also, I have to say, not rely on them to police the pandemic. We each have individual responsibilities and need to exercise our judgement wisely. Just because you can do something does not make it wise to do it. People need to show a degree of personal restraint and should not expect the police to police every part and parcel of our lives, every choice that we make or every decision to travel or not. We still have some freedom, and we need to use it very wisely at a time when people's lives are still at risk from the pandemic.

Mr Frew: Just a final point. I agree with the Minister about individual responsibility. That is really common law and what we are built on as a nation. We should trust people more. If the civil restrictions were lifted, organisations would still impose their own restrictions, which is wise and good. You talked about a balance, but are the Executive mindful of that balance? Whilst we are doing these things to save lives, we have to recognise that they could destroy lives. As an Executive, are you clear on where the balance lies and that we start to talk about the destruction of lives because of these restrictions? That may be the reason and rationale for lifting limited restrictions at places and times.

Mrs Long: There are a number of elements to that. First, I cannot speak for individual Executive colleagues, but I can reassure members that the Executive have discussed the impact of the restrictions on mental health. We know that the Department of Health, along with the Executive, has now brought forward plans that were originally in place to appoint a mental health champion. We believe that doing so at this time is important, because we recognise that there will be a degree of impact on people's mental health from isolation. I was one of the first people affected at the start of this pandemic. Unlike most people, I was in lockdown before the Government required it, because I had an infection in my lung and therefore had to isolate during that period, and then the pandemic restrictions came in afterwards. I have been — I can probably count on the fingers of both hands how often I have been outside the house, and most of that has been in this Building for work. That is from the end of February.

I am not immune to the impact that this has had on individual's lives and the way that we go about doing business. It does have an impact; that is unquestionable. Some of my family are shielding at the moment and, because I am able to go to work, I am not able to see them, and I have to take that into account. This has an impact on all of us, and none of us is immune to that or ignoring that. The priority, where we are now, is about protecting the health service's capacity to deal with the first wave of the pandemic, and hopefully ensuring that, as we move beyond the first stage, we are able to do so

in a way that, first of all, creates confidence, so that the public are clear about what it is that we are asking them to do, and why. The communication of that needs to be clear and consistent across the Executive. I also think that it is important that we set out a plan from where we are now to whatever the new normal might look like. I personally would like to see that done in stages, so that we have, "This is where we are now. This is stage 1. This is lockdown. This is what it looks like. This is what is expected of you. Stage 2 may look like this. We are not saying that you go to stage 2 now, but we are saying that that is what it will look like when we get there, and that is what we will expect of you and this is how it will work. Stage 3, beyond that, will look like this, and this is what we will expect of you, and this is what we will do to support you."

I think that, if we do that, we can then confidently say to people, when the time is right, that we can go to stage 2 or stage 3, and perhaps back to stage 2, because bear in mind that this may not be a linear progression. We might find ourselves going backwards. Unless we are clear about what each stage looks like, we will end up with à la carte lifting of restrictions, which will cause maximum confusion in the public mind, and we will see people no longer clear about the "why" of the restrictions, and that uncertainty and that sense of anxiety are also very damaging to people's mental health. The public unravelling of coherence around the regulations will also cause people distress and anxiety. We need, therefore, to be very cautious when we have these conversations that we are conscious of the impact that it has on people financially, psychologically and in terms of their physical health and well-being, and that we factor that into our decision-making. Also, we must be clear that the primary aims of the regulations are to protect life, to prevent the National Health Service becoming overwhelmed and to ensure that people are able to eventually move back to some form of more normal operation, though I suspect that the future will look very different to the past, regardless of how we do it. We need to do that in a measured and proportionate way and to be led by the evidence.

I would be concerned if we ended up with an à la carte unravelling of the decisions that are taken, because I think that that would cause huge anxiety. It may well take some pressure off us as politicians, but it may transfer it onto others who then have equally difficult decisions to make at the individual level about whether or not to open their facility, their business or whatever it might be, and that will cause huge anxiety for people as well. So, we need to work with people to find the right balance, and we need to listen very carefully to those on whom we are then conferring that responsibility in future, so that they are properly supported in the decisions that they take.

The Chairperson (Mr Givan): Thank you, Minister. Having the conversation around this and what it looks like is important, and the communication is important around the regulations and the instructions that we should be having. I have a concern, though, that people who raise issues do not go into that territory and we do not have a conversation, because these conversations are happening in people's homes and through the ways in which they are having contact. There is a balance between holding the line and the effective messaging of what we are doing, and having a proper, open, transparent, accountable process in which to have the conversation about what things look like and, as needs arise, being able to articulate that.

Moving forward, in an evidence-based position, it is important that we have confidence that people's decisions are based upon the Chief Medical Officer (CMO) and Chief Scientific Adviser's (CSA) advice. That was drawn into sharp focus in the debate around graveyards. We know that a paper was brought forward by the Health Minister to open that up, and it did not get approval for over a week. Your colleague Stephen Farry was on. I know that you did not support that at that Executive meeting. If it was based on evidence, why did you not support it for seven days when a paper had already been presented?

Mrs Long: First of all, I am not here to answer questions as leader of the Alliance Party; I am here to answer questions as Justice Minister, and I have no locus over the opening or closing of graveyards. That is the first thing. Secondly —.

The Chairperson (Mr Givan): But you have a position on the Executive.

Mrs Long: Secondly —. I do have a position on the Executive —.

The Chairperson (Mr Givan): And you are expressing those opinions within the Executive.

Mrs Long: When I am expressing a view on matters such as that, which I have no locus over as Justice Minister, I am doing so as leader of the Alliance Party. The second issue that I want to raise in respect of that is that you have announced here that you are aware of how I voted at the Executive.

You did not hear that from me, so there is an issue of confidentiality. If we are to have these conversations, they should be private conversations that are had within the privacy of the Executive.

The Chairperson (Mr Givan): It was well-documented.

Mrs Long: It was not well-documented.

The Chairperson (Mr Givan): It was, through the media.

Mrs Long: It was through the media, but it was your colleagues who might have made that information available to the media, because it certainly was not me.

The Chairperson (Mr Givan): I listened to Mr Farry's position, which articulated the Alliance Party, and which I assume would have been your position at the Executive.

Mrs Long: Stephen is not here to answer your questions, and I am not here to answer your questions as leader of the Alliance Party or to engage in a party political debate — I am happy to do that elsewhere. I am here as Justice Minister to answer your questions on justice. I believe that Executive discussions should be confidential. Your own party leader has said that she believes that the Executive should be a safe space where we can have confidential discussions in order to explore ideas, thoughts and concerns. That is the first thing to make clear.

With respect to cemeteries and, more widely, how we approach the step down, I have made very clear how I personally believe that should be done and why. However, when it comes to the Justice Department's input into that, evidence was brought to us by the Department of Health, and it was based on the Chief Medical Officer's assessment in respect of health. There are, however, other consequences of actions that are not necessarily direct health consequences, and we need to look at those.

Since my engagement with the Executive has been opened up for discussion, I am happy to say that, in that engagement, the Department made representations, not on whether cemeteries should open or close, because that is not our role, but on the impact that that would have on the policing of travel, the impact on the public's interpretation of what are essential or non-essential journeys, and the additional powers that might need to be conferred on public authorities to police the regulations and social distancing on their property, because it was clear that we do not have police resources to do so in graveyards, nor, frankly, would it be appropriate for us to do so. We also considered the unintended consequences of some of the large funerals that we have seen during the lockdown, which have been happening on the streets, publicly visible and subject to police surveillance and referrals to the Public Prosecution Service (PPS). There was a concern that those would move into a cemetery setting, which would place public officials in difficulty because they would be expected to disperse groups of grieving mourners at funerals. That would be an invidious position to place people in.

So, we did not raise the reopening of cemeteries by saying, "Do it" or "Don't do it", but we raised the issue and asked the Executive, as a Minister should, to consider the consequences of those decisions and what mitigation measures might need to be put in place to address those issues. Anything else that I expressed in that meeting was a political view from my perspective, but, from a Justice Committee perspective, it was based on evidence. It was based on the policing evidence and the legal ramifications of us moving away from the situation that we had been in.

With respect to the medical evidence, the reason that I am not in favour of an à la carte approach, where we simply take individual issues and assess them, is that if you look at how R — the rate at which the disease replicates in our community — is affected by any individual decision, the impact on R may be quite small. For example, you talk about cemeteries; the discussion was that individuals could attend cemeteries and lay flowers at a grave, and that would not cause any difficulties. That is, possibly, true, with the caveat that proper social distancing is maintained. I do not know how many of you regularly visit graveyards. I visit my parents' grave and would normally have done so during the period of lockdown, but I was not able to, unfortunately. We had a number of anniversaries; my mother and father both died in the month of March, and also their wedding anniversary was in March, along with Mother's Day and Easter. There have been quite a lot of missed opportunities. When you go to a graveyard, you use communal taps, which people will touch and handle. We know that the virus can exist on those taps. How do we clean them? Do we know that people will not pick up the virus?

Often, the people who go to graves — I am there often enough to see them — are older people. We are encouraging them to make journeys and, potentially, taking them out of their home to somewhere different in that environment where they might, perhaps, touch things that other people have touched. There is also the risk, of course, that people come across and speak to each other. I have seen some news reports where you can see that happening in the background, live. Then, as I said, there is the additional issue of larger gatherings at gravesides because funerals are not possible in churches at the moment, and so people might instead go to the graveside and stand in larger numbers.

You might argue that, even allowing for all that, the impact of cemeteries reopening on the replication rate of coronavirus in our community would be small. Then, however, you have the unintended consequences of the message that that sends out about what stage we are at with the virus — that we now in a relaxation phase. We saw, for example, a massive increase in traffic over last weekend and this week — 20% up on the week before. So, there is the unintended consequence of sending that message out. Then, if you take another small decision and you say to the Health Department, "What would be the impact of this small decision?", and it looks and says, "Well, individually, if you do it right, with the right social distancing and nobody does anything that they should not do, the impact on R will be quite small", we could end up in a situation, if we do not have a properly structured plan, where we take lots of very small decisions that have very small impacts, but the cumulative effect of them is to push R back up above 1.

My concern is not about the individual decisions or the individual requests; it is about the cumulative impact that relaxation of the regulations might have on the replication rate of the disease in the community, the impact that that would have on the health service and successful treatment, and also the unintended consequences that we can create by taking certain decisions at certain times. That is why I go back to what I said: it is important that we have clarity about each stage, what it will look like, how it will be managed and what we are expecting of people. Ultimately, we cannot stop people breaking the rules. I was asked this morning on the radio by Stephen Nolan about people who visit an elderly relative and sit in the garden and social distance — can you or can you not? The reality is that I can give you my view on that, but if people are going to do it, they are going to do it. We cannot expect the police to police people's back gardens or front living rooms. It is not my job to do that either, but we can be clear about what why we are concerned about people moving around, gathering in places, risking unnecessary extra contact. We can be clear at what point we feel that the risk of that has been reduced enough that social distancing alone, as opposed to what we have now, which is the instruction to stay at home, is the right point in the process of renormalisation to be at. It is about clarity and consistency so that the public are not anxious because they are uncertain about what they are doing.

Like everybody else, I am a constituency representative. Many of the emails that I get are from people who are anxious and worried because they do not know whether they are breaking the rules. We need to make sure that there is that clarity and reassurance for people so that they understand how to make those judgements and on what basis they are making them. We cannot legislate for every possible scenario. That is where we need to be very careful about taking an à la carte approach to easement. We need to take a more structured approach to how we go forward. That is an argument that I need to make at the Executive because I want the Executive to process this in a way that is agreed, consistent, coherent and that has collective responsibility built into it. I believe that that, ultimately, will give people the maximum confidence that we know what we are doing and why we are doing it.

The Chairperson (Mr Givan): Thank you, Minister. I will not go over all the points that you raised. I disagree with your analysis that you speak as a party political leader by virtue of your role as Justice Minister and that that is a distinguishing feature. That is something that you can rationalise; it is not something that I agree with, but we will agree to differ on that.

Mrs Long: Just to be very clear about this, we are appointed both on behalf of our party and to a particular Ministry. I make it very clear in any correspondence where I am expressing a political view in the Executive that it is my personal and political view. I also make it very clear when I communicate a departmental view. That distinction is no different from the distinction made by any other Minister in the Executive.

The Chairperson (Mr Givan): That is on the record.

Gordon and Linda have indicated that they want to comment on this area, and then we will move into the other five areas, which I am keen to move on to.

Mr Dunne: Thanks, Minister and Deborah, for coming this afternoon. We appreciate your input. When Alan Todd came here, we, as elected representatives, were very concerned about the need for compliance and for people to take very seriously the need to stay at home. That was the message. I have been in continual contact with the police and do so as a local representative. Like the Minister, we have been emailed about lots of issues. Truthfully, I cannot say that I have had any complaints about the police in the handling of this aspect. That is in a constituency where, if you take Ards and north Down, which is more than my constituency, you see that there are 170,000-plus in the council area.

I went to the trouble of speaking to senior officers about a week ago. At that time, I understand that they had issued fewer than 20 cautions. In a number of cases, they were repeat cases. They were for young people driving around in a car from one town to another, for example, and they were stopped in the various towns. From what I have seen, the police are out putting themselves at risk. The officers are serving their communities, they are in our communities and they live in our communities. They were doing something, even though we are not aware of the total risk behind the whole thing. To be fair, from the evidence that I have seen, the police have been reasonable. There may have been cases where they went far and beyond what was required, but, in our case, they have done a reasonable job. They were very supportive of the council on closing public areas. We wanted a lot of our park areas restricted for parking. That was done with the support of the police. The police continue to monitor that, and, in the main, people complied in our constituency very well, and, in fact, throughout Northern Ireland. As a result, it has been positive.

We need to record our appreciation to the police for what they have done to date. They have had issues about PPE, and we know all that, but I honestly think that they have made a genuine effort and are continuing to do that. They have officers set aside for their COVID teams to deal with that specifically, and I think that we should continue to support them in what they are doing.

Mrs Long: That is very much appreciated. I will certainly pass that on to the Chief Constable. I agree with you that the police have put themselves again on the front line of what is a very complex issue. They are not policing public order and all the normal things that they police. This is a health emergency, and these are, therefore, unique circumstances. They have done it proportionately. I agree with you. If you look at the number of fines, cautions and so on, you will see that they have been relatively low in comparison with those in some other parts of the UK.

You are also correct that we should not lose sight of the fact that, in the vast majority of cases, the public have been remarkably compliant with and supportive of the regulations. Of course, there will be those who have ignored them. Some of those circumstances have been particularly stressful for others. However, in the majority of cases, people have worked together on this, and there is a huge amount that we can learn from this that is positive. It is clear that there is a sense of public spiritedness and community in the majority of people. Whilst, inevitably, as is always the case with justice, we focus on where the failings are. We should not forget, quite rightly, to say where the strengths are, and that sense of community-spirited activity, whether it is supporting those who are vulnerable and shielding or it is the general levels of compliance with the regulations, is very welcome and very important.

This has not been an easy time for many people. It has created financial and emotional distress. We know from the debate on domestic abuse that it has created certain jeopardy for people who may find themselves isolated in abusive relationships. It is also very difficult for people who manage their mental health and well-being and who find that contact and community are really important parts of that, but those have not been so easy to achieve. It has also shown how creative people can be, because we have seen technology being used to maintain people's links.

I know that some people have talked about churches, and one of the things that have been incredible for me to watch is the number of people attending my own church virtually on a Sunday morning who possibly would never have come on a normal Sunday but are able to join with us. The sense that you are part of a community at that point is actually quite important. People have used technology creatively. They have assisted, and I do not think that we should lose sight of those positives. I also think that it is something that we need to capture going forward because, at the other side of the coronavirus health crisis, there will continue to be huge stresses and strains financially, economically and psychologically connected with what we have gone through.

The Chairperson (Mr Givan): Minister, can I try and move us on, because I want, for your benefit and our own, try and get through? Members have a lot of specific questions. Linda?

Ms Dillon: I am OK.

The Chairperson (Mr Givan): Can I move us to the next part, which is about the impact on the Department for Justice? I am not sure whether you want to make a comment.

Mrs Long: Very briefly. As I said, we are focused on ensuring that our key services are maintained, our staff and those in our care are protected and public safety is preserved during the pandemic. We have key services to deliver, and we have been recalibrating our wider business and conducting our work in creative ways, as I was saying, by making the best use of IT. Some areas of work have slowed or stopped because we needed to focus on urgent work, but we are continuing to deliver business as usual in a number of priority areas, particularly those that we feel will make a difference to people individually, so that includes things like the Domestic Abuse Bill and other areas.

We have also commenced the recovery planning to prepare for a return to operations post-pandemic, and further work is planned over the coming weeks to understand better what that might look like. As I say, I expect that it will be not the normal but a new normal that we will be moving to.

The Chairperson (Mr Givan): OK. Thank you. Doug, you had a couple of questions on Kinnegar and legacy.

Mr Beattie: Yes. Minister, I am trying to get a better understanding of the cooperation, how things work and to see what agencies have actually tapped into helping you with Kinnegar. We are absolutely with you on this. We hope that we are never going to have to use this, but a lot of agencies came in. Can you outline how the Department went about acquiring and creating Kinnegar and how it is now being controlled?

Mrs Long: I have to say that, as somebody whose background is in construction, one of the most impressive things has been how quickly we went from what were, essentially, large, empty industrial sheds to what is, possibly, the best mortuary facility on these islands. I do not think that that is a boast just for the Justice Department. It is probably true for others. The police indicated that that is their view, and they are people who are specially trained in body recovery in emergency situations.

As you know, we took the decision to try to find a site that would be suitable for a mortuary facility. That was a very sensitive and difficult issue, because, when we were making those plans, I do not think that the public fully realised the extent of the anticipated deaths. We had very limited opportunity to seek land and sites because we did not want to increase speculation.

After discussion with Executive colleagues, we made a request for military assistance, and, essentially, they provided us with a site at Kinnegar. That site is completely self-contained, it has its own entry and exit points, and it is very well screened, because we are conscious of maintaining the dignity of the deceased. We were able to get contractors who have built a top-class facility. The police body recovery specialists are the people who, we agreed, will run the facility. They will make sure that the remains are properly stored and recorded on the system and that we do not run the risk of returning the wrong remains to the wrong family. That would be incredibly traumatic and insensitive.

Throughout the process we thought very carefully about how we would manage this. It is not something that I have talked about hugely, because it is sensitive. When I watched the news and saw mass graves in New York, I have no regrets at the investment that we made in that facility, because I would not countenance people from Northern Ireland having their loved ones' remains disposed of in such a fashion, although, in fairness, it was done out of necessity. I would not want to see that happen here. I believe that the facility that we have provided is a dignified resting place. That is important.

We worked with the Churches, the Humanist Association, funeral directors and others to ensure that, at every stage, privacy was maintained. From the moment a funeral director brings a body to the site, it is under cover. They drive onto the site. Even the access that we have chosen is not publicly accessible, so it is not somewhere where there is a lot of passing traffic. They enter the site, and the hearse is not opened until it is inside the closed facility, so no long-focus lens can pick up on the detail. Any transfer happens in the facility, not outside, so there is no external view. We created space for those who would be there. It is not a facility designed for families to visit, but we recognise that families may want to be reassured by their pastor, minister or priest being able to go to the facility. We have provided a means for them to be at the facility to spend time in prayer and reflection so that they can reassure families that it is dignified and proper. We believed that that was important in project dignity.

It has been a huge effort. The contractors, Henry Brothers, went through the Central Procurement Directorate (CPD), and we hope that they will be able to maintain the facility. It is our intention to keep the facility in case there are any future issues with a large number of excess deaths due to a pandemic or any other incident. It would take between 24 and 48 hours to stand up from closure, and it would be manned 24/7 so at no point would the facility be left without supervision once the first body had arrived. That was important for us.

A huge amount of work and thought has gone into it. I have to say that officials in the Department have been extraordinary in turning this round from what were, essentially, empty industrial sheds to an immaculate facility and one that, in many ways, is gold standard for how you would produce something like this in that turnaround time. Impressive though it is, and I have visited it, it is also very sobering when you see the scale of what we were planning for. It is something that, I hope, for that very reason, we never have to use.

Mr Beattie: You are absolutely right. It is important that we get details like that, because I do not think that people realise the effort that has been put in and what we were expecting. Therefore, when we have the conversation about "unlock", having the details about what you and the Department did is a sobering thought. The coordination and cooperation were exceptional. You mentioned your request for military assistance, and the point that needs to be made is that the military can be used in the most discreet manner but have a really big impact. The Northern Ireland garrison support unit and the military assistance teams can help with that as well. It is important that people know the work that you have done, and I commend you for it.

Mrs Long: Sensitivity is also important, because we recognise that, for some in our community, the involvement of the military is still a sensitive issue. To be fair, the military are also aware of that, and, therefore, the site that they have given us is self-contained. It is not branded. It is completely civilly managed. The military were really conscious of their wish to ensure that anyone using the facility would feel comfortable and confident doing so. I pay tribute to them for the help that they gave us. It is the perfect place for such a facility, if that is a word that you can use in this context.

Mr Beattie: I know the place well. I will briefly move on to legacy, as I know that we are short on time. It is a very general question, but we know that the NIO has moved slightly on legacy, and I think that all parties have been briefed on what it is planning with regard to legacy and its proposals for it. Do you have a view on where you see us going on legacy? I know that it is not your responsibility, I know that it sits with the NIO, and I know that this is being debated in Westminster, but what is your view on its new plan for legacy?

Mrs Long: You are being incredibly diplomatic when you say that it has moved slightly. I would say that it has moved quite some distance from what was originally anticipated, even if it was at the last possible moment.

Yes, I do have a view. I have a party political view: I do not particularly believe that the arrangements that the NIO proposes are appropriate. However, I also have a view with respect to the Department of Justice, because we had been preparing for the Historical Investigations Unit (HIU) over an extended period. Preparatory work had been ongoing with Northern Ireland Office officials, and it had been the expectation that the Department of Justice would be responsible for ensuring that that was operationalised.

The proposed new structures are more akin to a truth commission structure. I have issues, from a Justice perspective, as to whether or not they are article 2 compliant. I think that that is doubtful. I have issues with the balance that has been struck between truth recovery and justice. The emphasis in the new package seems to be on truth recovery as opposed to justice. Therefore, I think that there is a question mark as to whether or not it should be the Department of Justice that would take it forward. I have communicated concerns in that respect to the Northern Ireland Office and to the Secretary of State. We will discuss that, in due course, with Executive colleagues.

There is also a wider issue about the understanding, as proposed elements of the package are unrealistic. Had there been better engagement with my officials about the change of direction, we might have been better positioned to inform the NIO about the challenges that those changes present and some of the difficulties with them. However, we did not have the opportunity to inform the NIO of our reservations. Nevertheless, we continue to engage with the NIO and officials as best as we can. At this stage, we are in a listening mode, as opposed to an engagement mode, because we are no

longer clear about the Department's role in that structure. There are wider questions that will need to be answered about that by the Northern Ireland Office in due course.

Mr Beattie: That is a fair answer. You know that we are opposed to the Stormont House Agreement, and there is no point in having a discussion about it here. We have huge issues with the new proposals, but they are really a set of bones, and there is not much flesh on them at this time. Many of the questions that we have asked have not been answered, and we have not got clarity. If you have not got clarity, we certainly have not. Do we have any idea of when we will get the opportunity to get together with yourselves and political parties to start talking about this and to thrash it out and get a better understanding of what the NIO is proposing?

Mrs Long: It is my understanding, from the Secretary of State, that intensive negotiations are ongoing with all the Northern Ireland parties.

Mr Beattie: OK.

Mrs Long: I can be diplomatic, too, when required.

Mr Beattie: OK. We have had one phone call. I would not call that intensive. If others have had more phone calls, that is up to them.

Mrs Long: I think that we have had two. One was to arrange the second. I think that to do justice to the intensity of the engagement, that probably reflects it. At the end of the day, it is for the NIO; it is a Westminster issue.

Mr Beattie: Of course it is.

Mrs Long: Therefore, there are limitations. However, as I think everyone in Northern Ireland would agree, how we handle legacy is crucial for how we build for the future. A failure to deal with legacy appropriately through the mechanisms that are brought forward creates implications for policing in the current context. It creates challenges because legacy litigation and other measures will impact on current policing. The Police Ombudsman's Office is also affected by the lack of appropriate structures to deal with historical and legacy policing issues and so on.

It is in all of our interests to get a comprehensive package in place, and, whilst we may have disagreements about what exactly that will look like — Stormont House was not perfect — it was our best opportunity to get a comprehensive process in place. I do not see what has been brought forward as being comprehensive, nor, frankly, do I see it as being compliant either with Stormont House or with the New Decade, New Approach agreement, in that it is not consistent with what was to be done.

On the question of whether it is better or worse, the fact that it was conceived in isolation rather than with five parties in negotiations and that, it would appear, it has buy-in from none of them makes it considerably worse than the Stormont House Agreement. I do not think that anyone championed the Stormont House Agreement, but I think that all of us could, just about, have lived with it. Perhaps that is the highest bar that we could have set. At the moment, I do not see the alternative, which, as I said, seems to have been conceived in a few weeks, as having the same depth.

At the end of the day, we need to deal with this, so when it comes before me and before our officials, we will continue to engage. However, we will not take responsibility for bad decision-making elsewhere. We will certainly not be fleshing out the bones, as you put it, if the structure — the skeleton itself — is not functional. We will not be taking responsibility for fleshing it out and covering a damaged skeleton. Therefore, it is incumbent on the NIO, and on the Minister, to get this right and ensure that whatever engagement the Executive have with them is not to repair damage that has already been done but to implement something that is workable, acceptable and functional.

Mr Beattie: We cannot have justice, or even legacy, going into a holding pattern and allowing COVID-19 to be a smokescreen. We need to talk about it. I absolutely disagree with the Stormont House Agreement, which we think is completely unworkable. We cannot ignore the thousands of people who were injured during the Troubles, which is what it pretty much does. We need to dig into the new proposals to see what they are trying to do. If the new proposals are not better, there is no point having them. Thank you for your answers, Minister.

The Chairperson (Mr Givan): Rachel, you have three questions here. They are on staffing in the Department, stalking, and asylum seekers.

Miss Woods: I will take those in order. I appreciate that you have been over the DOJ update internally, but can you provide an update on the number of staff affected? You touched on the IT equipment being made available. Are all staff working from home who should be working from home?

Mrs Long: About 80% of staff are working. Not all our staff can work from home, and not all our staff can come into the office. Like most businesses, we have a certain number of people who are at home but not working at home, although it is a relatively small number. We can support work from home as far as is possible. Where people are working in the office, social distancing is being used. Where we need to, we are implementing a rota system so that we keep the number of people who are in offices to a minimum on any individual day. That allows us to continue with the work that we are doing to deliver on key elements of the justice system. From my perspective, I am confident that we are managing the internal stuff well. As I said, we have 80% of our staff regularly working on-site or at home. That seems to have worked. As you will recognise for the Department of Justice, from an IT perspective, there are elements of work for which homeworking is not possible because of security concerns, but where it is possible, homeworking has been implemented.

Miss Woods: Thank you. I have a question on stalking legislation. The issue was raised on Tuesday during the debate on the domestic abuse legislation. Has the introduction of stalking legislation by the Department been affected by COVID-19? Are you on track to introduce it in the autumn, as has been previously stated?

Mrs Long: Yes, I am. The autumn is still the target date. We got Executive approval on 8 April to go ahead and draft the stalking legislation. At present, drafting instructions are being finalised with the Departmental Solicitor's Office in order to get legal resources for the legislation, and we hope that we can start to draft the Bill within the next month. Hopefully, we will be back in the autumn. If so, there will be minimal delay to the timescale. In fact, I am hopeful that there would be no delay if we could get to that stage.

Miss Woods: Thank you. I appreciate that, as I am sure do a lot of other people.

Finally, I am aware that the Home Office is the responsible Department for administering information, guidance and finance for people who are asylum seekers in Northern Ireland. Bryson Intercultural administers that in Northern Ireland. You will be aware of the recent reports of ongoing issues for asylum seekers. They have no recourse to public funds and therefore have to rely on charities and food banks to get by. Legal aid is provided by the Department of Justice. As we know, the legal aid bill has reduced at present as a result of fewer cases coming forward. Have you and the Department had any engagement with the Home Office and the Department for Communities on the situation of asylum seekers and whether any of them have been affected by the pandemic from a legal point of view?

Mrs Long: There has been no engagement with the Home Office specifically on those seeking asylum, because, as things stand, the cases are not progressing through the system. We have therefore not had to have engagement on the issue. The Minister for Communities is the person who would take up wider support issues. I honestly cannot say whether Deirdre has had those conversations with the Home Office, but I do know that all Ministers have participated regularly in the online calls with the Chancellor of the Duchy of Lancaster, who has been coordinating the UK-wide response. We have had the opportunity to raise issues, whether they be about asylum, justice or whatever, and representatives from the Department for Communities have attended those meetings and been able to engage. However, it would really be for the Minister for Communities to confirm whether the issues of asylum and support for asylum seekers have been raised.

In Department of Justice terms, the issue more affects those foreign nationals held in the justice system who may be subject to deportation after their release. People have nowhere to go at that point, so there is an issue there. One of the reasons that they were excluded from the early release scheme is that they would not be able to travel back to the place where they live, and, if they were going to be deported as part of structures around that, we did not want to leave people in that situation early on without the right support. The Department for Communities can probably keep you right on the matter of support for asylum seekers.

The Chairperson (Mr Givan): Thank you, Rachel. Paul, your questions about the general flow of business in the Department are similar to mine. I will let you take them.

Mr Frew: I will be brief, Minister. Has any business, operation or theme in the justice field been stopped, or even been reprioritised to the point at which it is just treading water?

Mrs Long: We have had to manage a number of streams, but I do not think that anything has stopped. Certainly, some things will be moving more slowly than would otherwise have been the case. The things that are front-facing and most likely to have an impact on members of the public, such as bringing forward legislation or ensuring that AccessNI checks and so on are able to continue, are continuing in the Department. You will be aware of the decisions that were made by the Office of the Lord Chief Justice concerning the courts. It is looking at the situation at the moment. Those decisions have implications for front-facing issues, but, again, the Office of the Lord Chief Justice has very clear prioritisation in its decision-making about what it is taking forward and what it is adjourning temporarily. Nothing has stopped, but some things have slowed.

Mr Frew: May I ask you about specific issues to do with the work of the Probation Board or the Youth Justice Agency, where there may be a need to enter people's homes?

Mrs Long: Probation Board personnel are not carrying out home visits at the moment, but they are using technology and the telephone to maintain contact with those who are under their supervision. They are not operating in the prisons, because they do not want to breach the cordon sanitaire that has been established around the prison system, but, again, they are able to engage via technology and other methods. Most of our people in the Youth Justice Agency are working, but they may be doing slightly different things or doing them in a different way. They are continuing to look after the young people who are in our care.

There are a smaller number of young people in the secure facility at Woodlands. Social distancing is being managed, and supervision of that is continuing. So far, things have been progressing satisfactorily in that respect. Again, that is not something that we have stopped doing. Probation Board staff have not stopped working, but they are working differently. They are continuing to ensure that public safety is the priority, particularly for those who are more high-risk individuals, when it comes to how they use resources and how they interact in their work.

Mr Frew: I will say something by way of appreciation and acknowledgement, Minister. We had a very surreal meeting here on, I think, Monday 23 March, which is over a month ago now. Deborah might have been there. If she was not there at the time, she was there previously and straight after. We could see clearly on the faces of the officials their fatigue, concern, worry and fear. It is a meeting that I will not forget. I want to pass on our appreciation for all the hard work that has been put in by departmental staff over the past number of weeks. They have had to step up again, and they have done so admirably, and we thank them for that.

The Chairperson (Mr Givan): I concur with that, without dwelling on it, so that we can keep moving. I am sure that Paul speaks for all of us, the Minister included, with that commendation. If we have time, we may make a wider comment.

Mrs Long: There is one other thing to bear in mind, which is that a number of our people have moved to the centre to help with operations there. Once the Department was in order to run smoothly, people, including the permanent secretary and some other members of staff, took up part-time roles at the centre to support the efforts there. That has been very helpful. My officials are very strategic and well organised. I am very proud of the Department for the way in which it has responded.

The Chairperson (Mr Givan): At what point do the Department and you as Minister need to start to reconfigure your planning assumptions? That will have an impact on the budget that is required for the Department. At what stage are you with those considerations?

Mrs Long: We are at the early stages of having conversations around justice recovery. There are some things that we had hoped to do that may not be done this year or, indeed, in this mandate. We will need to look at our planning very carefully, in order to determine which elements will be prioritised. It is hard to predict exactly what those elements will be at this stage, because things are still very much in flux. We do not know what the future will look like either. We could be in and out of this kind of working arrangement, so we will need to think carefully about how we are going to manage things.

When it comes to finance, there are two considerations. You will notice that the bids that we have put in are relatively modest in comparison with our needs. However, we are conscious that there is no

point in us going regularly to the Department of Finance to ask for additional resources if we are not confident that we can spend all the resource that we have at the moment. We are therefore conscious that there is a responsibility on us, and the Finance Minister has encouraged us to look at areas in which we think that we may not spend all our resource and to determine whether there are ways in which we can then use that resource to be able to reconfigure services elsewhere. The Department is already looking at that very carefully.

We have had particularly unusual expenditure: for example, around policing, the temporary resting place and some other elements for which we had put in bids that were successful. We are working well with the Department of Finance to try to make sure that the money that has been allocated to the Department of Justice is properly spent. Where we believe that it is not going to be used and can be surrendered early in the cycle to meet needs in other places, that can be addressed. I do not think that a huge amount of money will be surrendered from the Department of Justice. We had quite tight constraints within our financial settlement. There was only a 2-5% uplift realistically, when you take policing out of the equation, and we received relatively small budgets with which we are expected to do quite a lot. However, you are correct: I expect that we may be reconfiguring what we do as opposed to anything else.

There will be some areas in which we underspend. There will also be additional costs, and we need to plan for those, because there will be areas in which, in order to recover, we will need to spend more initially to get things back to where they need to be.

One of the interesting parts of the recovery is what learning we can take from the crisis, such as how we use technology for remote working. We can look at whether there are opportunities for us to do things differently on a more permanent basis. That will not necessarily mean that we continue to do things as we have been doing them during the pandemic. There is, for example, huge learning to be gained about speeding up justice from the piece of work that we have been doing on what we have been able to achieve in a relatively short space of time in a crisis. We can learn from that and achieve more in the longer term in response to the normal business pressures that we face.

Ms Dillon: I am glad to hear that last statement, because that is what I have been saying at every opportunity. We need to learn from this. All the things that we were told for years could not be done, we suddenly realise that they can be done. There needs to be a change, and I know that the Chief Constable is now looking at that, having already been looking at it. It is very important, however, to look at different ways of working, in order to allow people who have caring responsibilities to be able to work and play their part in whatever way they can. If that means working from home, that needs to be looked at. I do not think that we should punish the 98% who will do the job no matter where they are because of the 2% who will not do it no matter where they are.

Mrs Long: My experience, for what it is worth, is that, when people are working from home, they often work more efficiently and effectively, because you —

Ms Dillon: They do too much.

Mrs Long: — find that travel-to-work time and water-cooler moments, if you like, are reduced dramatically. There are consequences, however, from people not being able to collaborate in one place, so it is about striking a balance. It is not about everybody working from home permanently; rather, it is perhaps about having people who would find it convenient to work from home more regularly still being able to come in when the pandemic is over to attend meetings, workshops and such things. The flexibility that homeworking gives us is hugely important. It is something that we need to look at, but contact in the workplace is also important. As I said, it is about striking that balance.

Ms Dillon: I agree with you. It is very important.

This is more of a comment than a question, to be fair. It is on the legacy stuff, as Doug raised it. I agree with you, Doug. To say that the position has slightly moved is an understatement. It does not reflect in any shape or form anything that was agreed. I even wonder what the value is of the NIO having any kinds of negotiations with the five parties. The five parties signed up to the Stormont House Agreement. We were at a point at which we were supposed to be delivering on the Stormont House Agreement. Over 17,000 responses were received to the consultation on the draft HIU legislation. For me, it is as if the NIO and the British Government took everything that was done here for years by all the parties, all the victims' groups, all the victims and everybody else who worked really

hard to try to deliver, threw it in the bin and said, "We are going to do what we fancy doing anyway". I do not know the value of having negotiations with people who do that.

I am sure that you can sense that I am not happy about the situation. I am angry. It is not about me. I am not a victim. It is about the people whom I have had to deal with over the years — the people whom I encouraged and, in some cases, convinced to take part in the consultation response because I felt that their voices needed to be heard. I told them that, if they did not take part in the consultation response, their voice would not be heard and the process would not deliver for them. It is not delivering for them anyway, so it does not matter.

Mrs Long: There was no meaningful engagement with officials about the change in direction. I have made my displeasure clear about that, because there will have been nugatory work done in the Department as a result of it, but we are unclear about the extent of that. Yes, I agree that it is disappointing. There was a consultation process. We then had New Decade, New Approach. Using the consultation as a rationale for changing what was agreed after the consultation makes no logical sense to me whatsoever, but so much does not make sense to me these days that I take that as read.

Yes, there are still article 2 requirements to fulfil. We will continue to explore how the Government intend to do that, and we will try to play a constructive role in shaping it, but we will not take responsibility for a policy, the conception of which we were not involved in, because it is a change in direction that we were not consulted about and had no influence over.

Ms Dillon: Will the Minister consider, or at least look at, the level of funding of the Office of the Police Ombudsman, because families will see that as their only means of getting any type of answer or possibility of justice? Numerous cases that were probably being held back in the hope that they could be dealt with through the HIU will end up in the courts. You raised issues about the implications for the PSNI's current-day policing. That is one of my biggest concerns because I think that legacy is one of the biggest barriers to people from nationalist/republican communities applying to join the PSNI. It is a massive issue for me.

Mrs Long: The difficulty with this has always been, and it is true of the Stormont House Agreement and the HIU, that the funding made available under New Decade, New Approach was for the HIU, not wider legacy issues. The funding packages for inquests, for example, are very discrete. There was a commitment to fund the HIU. The UK Government had committed about £250 million of the £300 million to £400 million that would be required over 10 years. The problem that we have is that none of that can be drawn down until the HIU is in place. Now that it looks like the HIU may never be in place, we do not know the status of the funding. The reality is that what we fund now comes out of our existing budgets, and that will continue to be the case. It is hugely frustrating because, as you are well aware, the response to an investigation of legacy cases has implications for how people view the PSNI, even though it was not involved in the original cases. It can have an impact on how people view the police and on their level of trust.

The Office of the Police Ombudsman deals with complaints regarding the current work of the police. It also has the legacy work, which takes resources away from the current situation. Operation Kenova has been effective in building confidence in people who wanted those investigations to be completed, but we know that the capacity of the investigative officers and so on to continue that has reached its limit. There are restrictions around all of this. In reality, it will not be resolved unless additional money is brought forward. We are not clear what the funding package to go with these new measures would look like, how it would be spent or who would administer it, for instance. Whether any of it would go towards the ongoing work seems unlikely, if I am honest, because, to date, it has not. The police have to fund legacy litigation, for example, out of their current budget, as you well know. The money spent on those issues is being taken away from front-line policing, and that has consequences for how communities see the police operating day by day in the current crisis. For me, that tension between police in the past and police in the present has been one of the drivers to get some kind of comprehensive approach to dealing with the past. Unless we have a piece of legacy work that is separate, separately funded, separately managed and addresses the article 2 compliance issues, but also addresses the needs of victims to be able to get justice in the here and now, we will not free up the police, the Policing Board and the Police Ombudsman to be able to police the present in the way that they want to police it, unfettered by what happened in the past. The consequences of not getting this right are significant for current policing. I have been very clear with the Northern Ireland Office that that is my view. It is important that it understands the consequences of not delivering something operationally to address legacy issues, and the consequent pressure that that will put on other parts of the justice system.

The Chairperson (Mr Givan): That pivots us usefully into the next question. Doug asked about the announcement of the re-engagement of the legacy inquest branch in the PSNI. There was a purely statistical question on staffing levels in the police. We had that question previously, and, if you update the Committee, that will allow us to go to Doug's question.

Mrs Long: Yes, sure. As of 1 April this year, there are 6,903 full-time police officers and 2,368 police staff. Over 90% of police officers, excluding part-time Reserve, and over 85% of police staff remain available for work. Those are the latest statistics that we could get from the PSNI. There were issues, as you know, of particular pressures that might emerge for policing. The Chief Constable worked with the senior team, and they put together a series of potential actions to mitigate any shortage of officers due to illness and to address any pressures. Basically, they put all PSNI officers on a state of readiness for duty. They halted the push to cut overtime working, which, as you know, has been ongoing for some time. They cancelled routine rest days, which was one of the options in their armoury. They changed routine shift patterns to 12-hour shifts and are considering delaying the retirement of senior officers. They also put in place contingency plans in case a high number have to stay at home but might be able to do background work that would free up officers for the front line.

There are more limitations to how we expand capacity in Northern Ireland than is the case in some other places, but those measures were put in place. In addition, you are aware that, unlike the rest of the UK, in Northern Ireland, the Chief Constable cannot vary the length of time that it takes to train a police constable. That is in the legislation. He approached me, and we brought forward emergency regulations to allow him to reduce the number of training days undertaken by PSNI trainees. The PSNI could, therefore, attest trainees earlier, if they are suitable to serve as constables. They have not used that facility, but we felt that it was important to make that preparation. That time-limited facility will end after the current pandemic, but it gives the Chief Constable the same flexibility as forces in the rest of the UK.

Mr Beattie: Minister, all of this was to create mass for dealing with COVID-19, and we have not had to use some of it. In fact, the legacy investigation branch is being reconstituted, so legacy work is going back on to its caseload. Does that mean that the pressures on the PSNI have eased?

Mrs Long: What it shows is the good management and quick action that the Chief Constable has taken, which, along with the fact that people have complied with the regulations and worked hard to ensure that the Department of Health and others have not been under pressure, has meant that the PSNI has not faced the levels of sickness that might have been expected had the virus spread more widely. Having discussed with me the potential of doing this, the Chief Constable said that he was keen to try to take up pieces of work that were important for public confidence but that might otherwise be delayed. He felt that it was important that the legacy investigation branch was able to restart.

Unfortunately, the same is not possible for the Police Ombudsman's Office, simply because of the restrictions of their office space. It is not appropriate for them to be back in the office because of social-distancing challenges and so on in that space. It would be much more difficult for them to restart their work. However, the police feel that they can, and that was the decision of the Chief Constable. It is an operational decision, but it is one that shows sensitivity to the impact that all of this has on victims, who may have been waiting for an extraordinary length of time for justice. They will be relieved that the police are back and starting to deal with those cases.

The Chairperson (Mr Givan): Can you give us a similar statistical update on Prison Service staffing levels? That will allow Paul to come in. He has asked a question about what protection measures are in place for prison staff. You gave us good information on that at the start, but can you just provide us with stats on the staff?

Mrs Long: At the minute, staffing levels are stable across all establishments. Additional overtime payments are in place for operational staff, where needed, in order to ensure that we have a regime operating in the prisons. Around 15% of staff are absent at present. About half of those are COVID-related absences. Some are self-isolating, and others have family members with vulnerabilities or have vulnerabilities themselves. That total figure of 15% includes normal sickness and other absences.

The Chairperson (Mr Givan): That is an improving picture.

Mrs Long: It is. It fluctuates, week by week, in the same way as the number of prisoners self-isolating fluctuates. However, it is an improving picture, and the work that the Prison Service has done is to be

commended. Anyone following what has happened in prisons in England and Wales will have seen a stark contrast between how the disease has mapped out in prisons in other places and how it has mapped out here. We took difficult and potentially controversial decisions early: to reduce the prison population and to pay additional overtime to staff who could make themselves more available. However, all those decisions, such as ending visits and so on, have been crucial in protecting people in the prison system, and they have been effective. It has not been an easy thing to do, but the director general has shown real foresight in his leadership. The Prison Service, one of the key services in the justice system, is often overlooked, but it absolutely should not be. Given the complexities of the job that the staff do daily, they have handled this pandemic remarkably well.

Mr Frew: I will just add, Minister, that the leadership being shown in the Prison Service now is starkly different from that of four or five years ago. It has completely changed. We welcome that. It is a very good news story, and we applaud the actions of Prison Service staff and the leadership shown.

Are there any positive cases in prisons? Are any prisoners showing symptoms? Have there been any positive cases of COVID-19 in any of our establishments?

Mrs Long: No prisoners have tested positive for COVID-19. Five prison officers have tested positive, but some may have done so after a period of absence from the facilities. Of course, it has been a very difficult time for those officers. There is now access to testing in the prison system for the staff and their families. If symptomatic, they can follow the Public Health Agency (PHA) guidance now in place, and, as front-line workers, they can be tested.

Mr Frew: You have anticipated my second question, which is on the standard operating procedures if or when staff or inmates need to be tested or fall ill. I take it that there is a policy in place.

Mrs Long: First, I will set out some of the things that have been done. To protect against the virus getting into the prison system, we changed the way in which prisons are run. We have introduced a restricted house-based regime. We have introduced social-distancing measures, and you will understand, if you have been inside a prison, that that can be challenging. We have tried to do that in a proportionate way. There has been a restriction on movement between and access to prison establishments, so only essential staff come into the prisons. As I mentioned, probation staff, for example, do not now come into the prisons. We have also been shielding older and vulnerable prisoners. Anyone who is symptomatic will be in isolation, and we have an isolation facility in each of the establishments. Also, there are 14 days of self-isolation for all new committals, so anyone coming into the system will have to do that. We have also, because of the changes that we have made and because of the natural number of people being released over time, been able to significantly reduce the number of people doubling up and sharing cells, which is, obviously, important.

We stopped face-to-face visits on 23 March, and, on 30 March, we were able to introduce virtual visits. We have also suspended temporary release and working in the community schemes, because temporary release would be problematic, given that people would be coming back in. Compassionate release continues, but temporary release does not. It is now explained to anyone who goes on compassionate release that they will have to self-isolate for 14 days when they return to prison to be sure that they are COVID-19-free before they re-enter the population. Under the temporary early release scheme, about 120 people have been released, to date.

We closed the learning and skills units, because, again, that would have involved bringing people in from outside. We have increased allowances, television access and telephone credits to try to ensure that prisoners are kept occupied, given that some of the other things that they would be doing have been removed. We have dramatically increased cleaning of the prisons, and we are using personal protective equipment (PPE) in line with WHO and PHA guidance. We are testing symptomatic prisoners, staff and family members in line with the criteria from PHA. I think that, in combination, all those measures have been quite effective in controlling the spread.

One of the key things in how that has worked has been communication, which we discussed when talking about the wider population. The director general wrote to the prisoners before we made those changes and informed them that the changes would be happening and why, and they have been broadly supportive of what has been happening. Jacqui Durkin, the chief inspector of the Criminal Justice Inspection, visited Maghaberry and Hydebank Wood and was very positive about the relationships and the stability that was being implemented and that things like virtual visits had really helped in supporting families outside the prisons.

I have quite a bit of contact with families who write to me with concerns that they might have about their family member who is in custody. When we do that, the Prison Service has been fantastic, literally immediately going back, having a chat with them and checking on them and making sure that everything is OK. It has been very reassuring, I think, for families to know. We recognise that this is a stressful time for everybody, but it is particularly stressful when you do not have that ongoing contact with family. We are all experiencing a little bit of what it is like not to be able to be face to face with our family at the moment, but, when you have been doing that for a long time, it can be very stressful.

The Chairperson (Mr Givan): Is 120 or so the specific figure for the prisoners who have been released, and have there been any compliance issues?

Mrs Long: At the minute, it is 119, or maybe 120 today. The releases were not all in one go but over a period of time. A small number of prisoners have been returned to custody. I think that when I checked last the number was eight out of that 120 as a result of not complying with the regulations and the conditions of their release. They are all being managed in the community. The police are aware of them and know where they have been released to. There is, in the majority of cases, absolutely no challenge or problem at all. As I said, we put a lot of strictures in place to make sure that the people whom we were releasing were at the lowest risk of reoffending, but you will understand that, even in those cases, some people will reoffend. I think that the majority of those who were returned to custody were sent back because of alcohol or drugs, which is not surprising given the degree of addiction that we know exists in the prisoner population. It is very difficult, because it is about how you manage that when the health service and everyone else is so stretched at home. We tried to avoid releasing people with current issues, but for people who had historical issues, it might have been an issue.

The Chairperson (Mr Givan): Again, for some clarity, for those eight who were returned, it was for an offence —.

Mrs Long: No, not in all cases. For most, it was for not complying with the terms of their release, which partly involved them observing a curfew and not having contact with their victim. In some cases, they were not to go beyond a certain distance from where they were, which is a bit like bail conditions but slightly different, and they were to have no alcohol or drugs. Some might have come to the attention of the police because maybe they were drunk and disorderly, while others may just have been drunk and seen, but because they do not have to commit an offence and go through the court system to be returned — it is done under prison rules — they can simply be returned at the request of the governor. It is an efficient system to deal with people who breach the rules, but not all of them would have committed an additional offence. Some of them may have, but, obviously, none of those would have gone through the system, so I would not be able to say whether they were guilty as charged. If there are additional offences arising from it, those will go through the normal procedures down the line, but being suspected of committing an offence or being found, for example, intoxicated would be sufficient to have you returned to prison under the rules under which they were released.

The Chairperson (Mr Givan): OK. Thank you. Emma wants to come in, and Doug had a question. I will bring Emma in, and Doug had a question on the military assistance team visit on contingency planning.

Ms Rogan: Thank you very much for your answers so far. I have a question about the temporary release as well. There are 120 released. Is that so far, or do you plan on extending that —?

Mrs Long: It is a rolling programme, so, essentially, we will continue to assess the need in terms of the number of prison officers versus the number of prisoners and the impact on things like doubling up in cells and so on. We will make those decisions as we go, so it is not a final number. For the first tranche of prisoners in that first period, we originally identified a total of around 190 prisoners who qualified. In the end, for different reasons, around only 140 wanted to take it up. Some were self-isolating in the prison because they had symptoms. Others had family members who were self-isolating, and the family did not want them coming home and catching COVID-19, so there was a more limited number. Others were not able to secure accommodation, and we are checking that they have somewhere to go, because we do not want to create further pressure on the housing situation. For those who were able to get secure accommodation and to be released, we were able to do that, but that is why the number has been increasing gradually rather than it happening as one major release.

Ms Rogan: That is all I had to ask. Thank you.

Mr Beattie: Chair, if you do not mind, I am going to go slightly off-piste. The question that I had has been answered.

The Chairperson (Mr Givan): That is OK.

Mr Beattie: Minister, we had a really good debate on Tuesday about domestic violence. It just shows that, even though COVID-19 is going on, there are lots of other issues to consider, and I thought that it was a really good debate. These are things that we do need to look at.

You know my background, and I am an outputs-orientated person. The most important part in that is people, and if we do not look after our people, something is wrong. If I found that my people were not being looked after properly, I would be standing and screaming from the rafters. When I come to the Prison Service and hear, first of all, that we have no prisoners who have COVID-19, I think that is absolutely exceptional and needs to be shouted from the rafters. I have to ask you, as a Minister: if you were to find out that one of your five staff who had COVID-19 came back and then got a written warning, what would your response be?

Mrs Long: I think that it is very clear that if someone has had an illness — I, obviously, do not micromanage the employment of prison officers — and a good reason to be absent from work because of that illness, it would not be appropriate for them to be penalised. Obviously, I cannot comment on individual cases or specific circumstances, and it would not be appropriate for me to do so. COVID-19 and illness associated with COVID-19, self-isolating because you or a family member have symptoms or are vulnerable are valid reasons for absence from work. As I said, about 7% of our staff who are currently absent are absent for that reason, and it is justifiable. Obviously, if other issues are at play, I would not be able to comment on or know about them.

Mr Beattie: Absolutely. That leads me on, Minister, to this issue. I have spoken to you about it and to the director general of the Prison Service; the head of the Civil Service; Sue Gray; employer relations from NICS human resources; and HR. Do you think that it is appropriate that an individual who went off sick with stress, was diagnosed by a clinical psychiatrist as having PTSD, fought the debilitating illness, gets back to work and gets a written warning? No matter which way you cut it, and no matter whether you say, "Well, we have to take it in the round?", how can it be right that, if he has a mental health illness that he fought to get back to work and human resources accepted that he fought it, he gets a written warning? It is disgraceful. If I was head of the Prison Service, I would be screaming at these people right now. If I was the Justice Minister, I would be screaming at these people right now. Here is what that has done: it has created mental health as a control measure to stop people going off work. That is what it has done, whether it was meant to or not. Now we have people who are scared to go off work with a mental health injury because they are scared of getting a written warning. It does not sit with you; it sits with the Department of Finance, but they are your people, and they are the Prison Service's people. We need to fight on their behalf.

Mrs Long: There are a couple of things that I want to say to that. First, mental illness and poor mental health are no different to physical illness and poor physical health. When it comes to absence from work, it should not be treated any differently. I do not believe that I am breaching any Northern Ireland Civil Service policies by saying that, and nor should I. I believe fundamentally that if someone has a period of mental ill health, it is every bit as serious as a period of physical ill health, and it is very important that we recognise it as a serious issue.

As you know and recognise, managing individuals in the Prison Service is a matter for the Department of Finance, because it applies the standard Civil Service approach to these issues. If we are thinking about what I, as Justice Minister, can do about these matters, I can say that we provide additional support and counselling. It is one of the things that I have raised on every visit to prisons. I have spoken with officers and asked them whether they believe that there is sufficient counselling and advice for them if they experience trauma, feel distressed or anxious or are suffering from poor mental health. Some have said quite candidly that they find that those kinds of services are not particularly helpful in their circumstance and that they would rather talk to other people, such as mentors in the organisation who have personal experience of the job and understand, intimately, what it entails. It is a stressful job to be a prison officer not just when COVID-19 is live but all the time.

I do not know how many of you watched the documentary 'Inside Hydebank Wood', but those of you who watched it will have seen that you are dealing with people with high levels of mental health problems, anxiety, stress, substance misuse and dependency. The levels, for example, of self-harm and so on can be significant. Prison officers have to walk into cells, and they do not know what is

going to lie on the other side of the door when they open it. That can be an extremely stressful situation for them.

There is also the threat that they, as prison officers, live with, and that has an impact on them, their family and their well-being. Their well-being is critical, and they receive support and counselling where it is required. As you know, I am working with officials to look at what further support we can provide for prison officers, particularly retired prison officers. Often, we find that it is when people leave the service that the impact of that level of stress in their working lives is felt. Trauma often follows incidents many years later. We are looking at ensuring that that care is in place too. I believe that our people matter and that without prison officers and staff and without their creativity and commitment to look after people in the prison system, we would be in a much worse situation. I mean not just in the prison system but as a society because the work that they do is crucial to rehabilitation and to turning people's life around. Yes, they deserve the support that they need when that work takes its toll on either their physical or mental health.

Again, I have to say that I cannot comment on individual cases. It would not be appropriate for me to do that. I cannot personally manage staff and absence because that is a matter for the Department of Finance, which manages all illness and HR issues. If you have concerns, please, do raise them with the Department of Finance and with me, and we will try to raise those concerns on your behalf.

Mr Beattie: If I can just come back on that, Minister, I have raised those concerns. I just called out all the people I have written and spoken to about the issue. This is not an individual. We are not talking about one individual. It might be one individual case here, but what I am saying now is that it is absolutely clear that, in the Prison Service, giving someone a written warning when they return to work from sick leave due to mental ill health is being used as a control measure. People who go on sick leave with stress or PTSD come back to face a written warning when somebody who goes on sick leave with a broken ankle, cancer or COVID-19 does not. If someone comes back with a mental health issue, they get a written warning. It is a control measure. Everything that you just said makes absolute sense. It needs to be poked into Civil Service human resources to say, "That cannot be right, especially when you, as the Civil Service, already stated that someone had PTSD, was diagnosed with it and did everything that they possibly could to get back to work, but you still gave them a written warning". That sends a bad signal to all the other staff. Somebody needs to take that issue up.

Mrs Long: It is important not to extrapolate from one case, the specifics of which we cannot discuss.

Mr Beattie: It is not one case, Minister.

Mrs Long: What I am saying is that we cannot extrapolate from that to a wider scenario. What I can say with confidence is that, at every level in the Prison Service, if people are anxious or in distress, whether they are in our care or are members of staff, they will get the right support and commitment. I have to say that I would imagine that the Department of Finance, and particularly HR, would say that the same is true for members of the wider Civil Service and the people it manages. It is important that I do not and cannot know all those details, and, even if I did, I could not discuss them. It is important that we take care about extrapolating beyond that to suggest that there is a wider policy in place in some way to dissuade people from coming forward with mental ill health. I am stating very clearly now, as Minister, that that is not the case and nor would that be acceptable to me. That is as clear as I can be.

The Chairperson (Mr Givan): To be fair to members who have put in questions, I really want to get to the specifics of them. I will then let in others who indicated that they want to come in on other issues. We are well beyond the time that I think the meeting should have concluded at, and I would like to conclude sooner rather than later, but I want to give justice to those who actually submitted questions. The next areas to be covered are the Courts and Tribunals Service, purely with regard to statistical information and staffing levels, and then, if this can be covered, facilitation of parental access, which the Deputy Chair raised.

Mrs Long: Obviously, the pandemic has changed how services are provided, including by the courts. We are continuing with business as best we can under the recent directions that the Lord Chief Justice ordered. That means the prioritisation of cases that relate to liberty, health, safety and well-being. Officials are working closely with the Office of the Lord Chief Justice and other justice organisations to ensure that prioritised cases are progressed in line with those directions. Building on that, the most recent direction from the Lord Chief Justice on 24 April indicated a move to review all cases that were

listed for hearing in the near future in order to try to provide clarity for parties to proceedings so that we could then do recovery planning in the justice system.

As you are aware, we have responsibility for the operation of the courts but not for the scheduling of business, so it is an area where we need cooperation. There is also an issue in that judges are also reliant on the PPS, which is independent of the Department, for the charges that are brought, and the PPS is reliant on the PSNI, which takes the cases to the PPS for consideration. So there are a lot of independent parts in all of that, and the scheduling of cases and so on requires a degree of cooperation between those who are prosecuting and those who are defending people who come before the courts system. One positive that has come out of this is that there has been a degree of cooperation in early disclosure if things are going to be adjourned. People are saying early that that is going to be the case, to avoid having to bring people to court unnecessarily. All of that potentially bodes well for future working.

At the moment, it is quite difficult, and I think that it would be wrong for me to suggest otherwise, to manage social isolation, given the age and layout of some of our court estate. It is very challenging, but we are continuing to try to do essential business through a variety of means, including remote working and also rotas, where we bring people in at certain times and not at others. The majority of staff are either working remotely or working on site or on a rota. Only 90 out of 741 staff are not working at the moment and are on COVID special leave because they or someone they live with is symptomatic or because they have responsibilities for caring for someone who is vulnerable.

The Chairperson (Mr Givan): Linda, do you want to pick up on the access arrangements?

Ms Dillon: Yes, the Minister has responded to that in a letter, which I appreciate, but I still have some queries from parents around concerns where they do have to access the courts. Whilst I accept that the guidance is there to give as much information as you can to people who have fairly decent relationships, the reality is that most people who end up in court in the first place do not have decent relationships, and that is the problem. Obviously there will be some of these cases where there is domestic abuse and other types of abuse. That is an issue as well, so, in relation to that, can we just have a wee bit of information?

I have another question, if I can ask it after this, with your indulgence, but I will let the Minister answer this one first, as it is entirely separate.

Mrs Long: Obviously, we appreciate that parents are concerned about contact with children in terms of what is advisable and what is allowable. The Lord Chief Justice and the Health and Social Care Board issued guidance in March on child contact, and that emphasised the need to maintain contact, including court-ordered contact, where it was possible. Where there are health concerns that render any changes necessary — just to be clear, essentially what it said is that the two households should be treated as a single household, so that the children transferring between households would not be considered to be moving location. It would be considered a transfer within a single household, but that also meant that, if someone in that family group became symptomatic, the entire family group would self-isolate.

Where those health concerns would render changes necessary, parents can agree variations without going back to court, and that flexibility has been allowed, including, for example, substituting face-to-face contact with remote contact. Where agreement cannot be reached, they can still submit to the court to see whether they will decide then whether a hearing is necessary or whether simply a direction can be made. They will judge the urgency of each case and whether that needs to be taken back to court.

We have tried to address the concerns that parents have, through a joint ministerial statement that I issued with the Health Minister in regards to this, based on the guidance of the Lord Chief Justice and the Health and Social Board. We are also referring people to that, and we are reviewing and updating that as we go. I think that there are issues there. There is another complication in that there can be those who will use the pandemic itself to thwart contact or increase alienation, and it is difficult to address that. However, decisions on moving between homes for parents — you have to look at the risk of infection, the presence of vulnerable individuals in households, and also the child's present health and whether or not there are any issues there. Again, ideally, you want parents to be able to reach an agreement themselves. Legal representatives have been working really hard to help them reach solutions that align with the status quo, if not exactly replicating what is already there. Where agreement is not possible, the Lord Chief Justice has reassured them that the court will consider the

reasonableness of actions during this time when considering future orders. If parents are unduly denied access to their children, they may make up that time later through changes in the orders that are issued in future. If someone unnecessarily deprives a parent of seeing their child, they may find that the balance in future orders changes in order to make up that lost time. Parents who are sufficiently concerned can ask for an urgent hearing, and that will be done on a case-by-case basis as to whether it is required.

Supervised contact is really a matter for the Department of Health. The Health and Social Care Board issued guidance on 31 March that supervised contact may be suspended and advised social workers to liaise with parents about using remote contact, where direct contact was impossible. In practice, trusts are assessing the risks of direct supervised contact on a case-by-case basis, and, where possible, they continue to provide that.

Finally, there is the issue of parents who are unable to reach agreements between themselves where underlying relationships, perhaps, do not permit that, or where they use a contact centre because of concerns about welfare issues or domestic abuse. Again, that is primarily a Health issue, in that Health provides the contact centre facilities. If it would be helpful, or if it is something that the Committee wants more information on, I can ask the Department of Health to clarify that. However, where there is a court direction for contact to be supervised by an adult agreed by the parties, it would be for that to continue, unless there is a specific COVID-19 risk that has been identified, or where they need to be revised because the contact centres have suspended their arrangements. Then they are negotiating between the parties and their legal representatives, with the support of social workers, to come up with alternative arrangements. Any parent who is concerned about the safety of a child can report their concerns in the normal way, and that will be treated as a priority.

It is a difficult situation, but it is one where, if people are concerned, they have the opportunity either to reach agreement through their legal reps or to go back to the court, if they feel it is absolutely necessary. However, we are trying to limit that as much as possible.

Ms Dillon: Can fee-paid members of the judiciary be furloughed?

Mrs Long: I will need to check. We are doing work around barristers and solicitors, but I got a paper recently about issues with the judiciary. I will need to go back and check, because I do not recall the detail.

Ms Dillon: I assume that, at the moment, that is not happening, because this has come to me from somebody who is concerned about their own —.

Mrs Long: The same person may have written to me, and that is why I have seen a paper on this, because I had requested more information. I will have to come back to you on that one, because I have been contacted as well. I know that it is something that has been raised with me, because I recall reading the guidance. Unfortunately, I do not recall what is in it. It rings a bell, because I have been dealing with that.

Ms Dillon: Can I get a response in writing?

Mrs Long: Yes, of course.

The Chairperson (Mr Givan): Has the legal aid scheme that we were briefed on started to be implemented?

Mrs Long: It is due to be rolled out either this week or next, so it is being implemented.

The Chairperson (Mr Givan): The last issue there was the fee.

Mrs Long: I am due to have a conversation with some people from the Bar Association around the fee level. I understand the issue that is being raised but, again, there is an issue around the budget that we have to work within. We are trying to allow people to, if you like, claim in advance. We do that at some risk because, obviously, if somebody decides to change their solicitor down the line, there will be consequences where, essentially, they will either need to recoup that money or ask somebody to pay and so on. There is a degree of risk associated with the scheme, but it is a measured risk. We cannot operate the justice system without solicitors and barristers, and, like everyone else, they have

bills to pay. Their inability to do their job at the moment is not as a result of them, it is as a result of the crisis. In the same way that we are looking at supplier relief in other parts of the economy, it is only fair and just that we do the same when it comes to those who work within the justice system. Having good, qualified, experienced barristers and solicitors is absolutely critical to the functioning of justice, so we do not want to see people go out of business as a result of the epidemic. It is important that we give them support. I would have been surprised had there not been a challenge on the amounts — that would be expected — but we have to balance the risk to public finance against the desire to support people. I am due to have another conversation with them very shortly.

The Chairperson (Mr Givan): Finally, there were three questions on domestic violence and abuse, and they may well have been covered for some members on Tuesday. Paul, Linda and Rachel had asked about statistics and getting a breakdown of figures. Will you cover that area? I will bring in those members afterwards, if they wish.

Mrs Long: I have some figures that I want to share with you. Some members asked about the helpline. During this period, the gender of callers to the domestic abuse helpline have been 72% female, 13% male, 1% transgender and 14% undisclosed, which might be people who were phoning on behalf of someone else, but did not specify. They were ringing about concerns that they had for another individual.

I can give you percentages of the key issues presented, but bear in mind that they do not add up to 100%, in case you think my maths is very bad. Some of them will have been multiple issues raised in one call, so that explains why they do not add up. I would not take the risk of giving such poor adding up in Deborah's presence, because I know that she would correct me. Some 28% was for physical or intimate partner violence, 27% was for emotional abuse, 25% was for coercive control, 15% was for verbal abuse, 15% was for bullying, 9% was for financial control, 9% was for rape, 8% was for child sex abuse and 6% was for sexual assault. That gives a breakdown of the calls that have come through the helpline during the COVID-19 crisis. As you can see, it is a broad range. Some quite serious issues are being raised through the helpline at this time.

The Chairperson (Mr Givan): It is shocking. Paul, you can come in, and then Linda and Rachel.

Mr Frew: I will be quick, because I know that time is running on. We all expected these issues to arise when people were in lockdown, but Women's Aid is a bit worried and nervous about the fact that it is not necessarily seeing that reflected in referrals. Is there anything that you can shine a light on there? If there is an increased level, the referrals should also be increased, but they are not.

Mrs Long: There are a number of things to bear in mind. First, as you know, we have extended our advertising campaign around the helplines and raising awareness. We spent quite a lot of time doing that on social media as well. An increase in reporting does not necessarily mean an increase in incidence, but it may mean an increase in awareness of the support mechanisms that are in place. It may also mean an increase in people's vigilance on these issues. Increasingly, people no longer see domestic abuse as a private matter behind closed doors. They are willing to intervene if they hear that a family member is being abused or if they witness a neighbour being abused. Sometimes, what is being reported on a helpline or where advice is being sought is not necessarily as a result of a complaint being referred to the police. The police have not seen the same spike in calls that has been reflected from helpline support. That does not mean that people will not come forward with these issues after the current situation. There is work that needs to be done in preparation for when we move out of this phase and people come forward about abuse that has happened in the past number of weeks.

The other issue is that, often, the fact that children have witnessed or have been subject to abuse is first picked up in schools. When children are out of school and isolated from their normal structures, that may not be identified as quickly as would otherwise be the case. We will only see the full picture of that at the other side of the crisis. I do not think that we will know for sure whether the calls are people seeking support, guidance, advice or help, or whether it is a particular issue for referral. There may also be a reluctance from some people to, for example, leave the home during the crisis. That is because they are afraid that by moving, they could be exposing their children to the risk of COVID-19 and other things. We need to look at all of that in the round and to try to get a clearer picture, but we want to work with those who are providing the advice and the support. In the longer term, we want to look at how the criminal justice system will respond when people come forward subsequently.

It would be surprising if we were not seeing an increase in domestic abuse and violence at this time, in that we have a very uncertain and stressful situation. We have people who have been removed from their networks of support; we have social isolation; and we have witnessed that this has happened in other countries.

I want to correct one thing, because I said in the debate on Tuesday that there were four domestic homicides and that was the advice of the police at the time. They have now said that it is three domestic homicides, in that one is now being treated as a not-suspicious death. So, it is three domestic homicides in that period. I have written to the Speaker to correct the record on that, but I just wanted to let the Committee know that, as well. However, it is still a significant issue.

Ms Dillon: Just a quick question on what you said about children and those cases being picked up in school. Are you working with the Education Minister on the issues? I ask that because there are probably pieces of work that could be done by the Youth Service at this time. They know, very often, from working with them, who the at-risk children are. They would have ways of getting the door opened to make sure that those children are OK, whereas others may not.

It also relates to the return to school. Obviously, we might not be returning to school in the manner in which it was previously. We do not know what it will look like, and I am not going to speculate, for all the reasons that you highlighted earlier. I think that there needs to be specific work that looks at children who are likely to need intervention more than most on their return to school and are likely to be most impacted by not being at school for a long period.

I am not asking you to give me answers to all of that today, but I want to flag up that it is a concern for me and those children need to be identified as being high-priority.

Mrs Long: I appreciate that, and I think that, for those children who are most vulnerable, both during and after the crisis, there will be a piece of work to be done in Education. I am sure that the Minister of Education is acutely aware that there will be a piece of work to be done to recover. There will be issues around stress, anxiety and all the issues that we have been talking about in mental health. From social isolation, there are also interaction and developmental issues with children, particularly for those who have been withdrawn from society for a time. I think that there will be a big piece of work to be done in schools. We know that adverse childhood experiences have an impact on people later in life, so we need to get it right. Health, Education, Justice and Communities all have a role to play in what the recovery plan looks like. It is not just an economic recovery that we need; we will need a social recovery, as well, as a result of this, and that will mean looking at the impact that the lockdown has had.

Children at very delicate stages of their social development and their development of language, interaction skills and bonding will find it quite difficult, potentially, to go back to school after a period of being away. It is quite difficult for parents to explain it at the minute. My friend's young son asked, "Have I been good enough that I am allowed to go back to school yet?", because he sees it as a punishment that he cannot go to school, and she is trying to explain to him, "Yeah, you are brilliant, but, unfortunately, we are not quite there yet". It is tough for children to understand why they are being deprived of the ability to socialise and to spend time together, and it is very difficult. Some adults are struggling with the concept, so you can imagine what it is like through the eyes of a five-year-old.

It is a very difficult time, and they will need a lot of support and encouragement. I have no doubt that the Education Minister will be planning for that and supporting teachers to be able to do that. That also includes supporting the teachers' mental health, because what they are confronted with, when they go back, may be quite different from what they are used to.

Miss Woods: I have two very quick questions. I want to clarify whether the statistics that you gave were for the 24-hour domestic and sexual abuse helpline.

Mrs Long: Yes.

Miss Woods: You mentioned the statistics "for this period". When does that cover?

Mrs Long: The statistics are for the 24-hour domestic and sexual abuse helpline. I am just trying to see what period they relate to. It would have been during the pandemic, so I would imagine that they refer to the period during the lockdown. I will check. It says that there has been an increase in

reporting during the lockdown, so I imagine that that is the period, but I will check the dates against those statistics to have clarity.

Miss Woods: Thank you. It would be good to have that.

My next question might not be one that I could expect to be answered. On the expectation that referrals will increase after this period, and with regard to engagement with the Department for Communities, I have written about the increased need for resources and funding on that issue, perhaps, for refugees or other support services. If we expect an increase, obviously, we would expect increased funding and resources to be allocated to adapt to that.

Mrs Long: I agree totally. I also think that there is an issue about ensuring that we do not look for short-term measures that will deal with an immediate crisis but do not provide a long-term solution. If someone leaves the family home with their children, that is a massive decision and one that we know places them at huge risk. If they, then, find themselves isolated in a hostel with nowhere to go from there to re-establish some kind of normal life, the draw back to the family home is huge. We know that, when people return, often, the abuse escalates over time. If we want people to be able to break free of domestic abuse and violence, it is important that we offer them a stable pathway to be able to re-establish a life without abuse, which is not just for the pandemic but is a permanent response.

We have looked at the immediate issues around ensuring that people are able to find somewhere safe and secure that is socially distanced, which is not always possible in a hostel. We have looked at that as an emergency issue. I know that Deirdre Hargey has done work on that. We are also very conscious in the conversations that we have had on the issue of the need for there to be a pathway from that to permanent accommodation. As I said in the debate, it is hugely important that we do not presume that the person who is the victim should have to leave their home and give up their life. It is possible for the abuser to be the one who is removed from the home. It is possible for the family to maintain their life where it is, and for more work to be done on that. The Housing Executive has done a really good piece of work on that, but maybe more could be done with housing associations and even private landlords, so that they also work with us to ensure that their tenants are able to remain safely in their home when they have broken the bonds with the abuser and that they do not have to be the one who uproots their life and, potentially, their families and children and goes through all that trauma, because of what someone else has done to them.

The Chairperson (Mr Givan): I ask for your indulgence, Minister, as a couple of members indicated earlier that they wish to ask questions. I want to wrap this up. Are there specific questions that have not been covered that members want to raise? Gordon and Jemma have indicated.

Mr Dunne: My question is on a totally different subject, but one that has been in the media a lot: PPE. Are you satisfied that you have adequate supplies of compliant PPE? I know that Deborah has done work on that — we got a circular about it — obviously, for the Police Service, for which you have indirect responsibility. I understand that a lot of it was procured through the Central Procurement Directorate. Are you now satisfied that there is adequate PPE for the police, Prison Service and other Justice staff, and that it is compliant?

Mrs Long: At the moment, we are. Anything that we feel is not compliant is not used. People have been instructed that, if they have any doubts about the equipment that is provided, they should not use it and should query it. We encourage them to do that because it is about safety. It is important that people feel that they can do that if they have concerns.

There have been issues with PPE. There is no question about that. Right from the outset, there was a shortage globally. It does not help that most of the suppliers were in Wuhan in China, where the outbreak first took hold. There was a golden moment when we were able to procure PPE, but that went very quickly as the outbreak reached the States and other places and there was a real growth in demand. We have local suppliers doing quite a lot of work around it, and we need to look at that for future resilience, and we have discussed it at the Executive. Whilst, obviously, you look at the cost implications of procurement, you also need to look at the resilience of the supply lines. A global pandemic puts into context that, when you rely on international companies to deliver your local needs, whilst that may be efficient and effective in the majority of cases, having local suppliers can also be hugely important. A discussion will have to be had, at the other side of this, around how we look at securing supply.

I spoke with the Chief Constable yesterday, as I usually do, and he is content that they have the PPE that they need. I have spoken with the director general from the Prison Service, and, again, he is content that they have the PPE that they need and are using it, as appropriate, under the PHA advice. That is true for their staff and also, for example, in police custody suites where they have a supply for solicitors who come in to do interviews with their clients. They will provide them with PPE, where a face-to-face interview is required. It is a complex situation but one where they feel secure. Obviously, part of the job of PPE is to reassure the staff, on the front line, that they are properly protected.

Mr Dunne: The issue of a consistent quality and standard is something that needs to be noted. It is important that standards are applied consistently throughout the suppliers. It would go a long way to addressing individuals' concerns.

Mrs Long: The Central Procurement Directorate, and others, benefited from having people on site, in a number of the remote locations where we were procuring PPE, to check, at source, that the production of what was being brought here was of adequate standards. The Executive felt that that was important. That has been an ongoing issue, and we took the opportunity to do that, where we could.

Mr Dunne: Thanks, Minister.

Ms Dolan: I go back to the topic of domestic violence and abuse. Has any work been done on a strategy, for during COVID-19 and maybe even beyond, to introduce code words in pharmacies and supermarkets?

Mrs Long: Yes. It is something that we raised, initially, with the Department of Health some time ago. There is a really good scheme in Spain. I am not going to try the Spanish, but, if people ask for "mask 19" when they go into a pharmacy, it is a code to say that they are at risk of domestic abuse or violence. They take a seat, and the pharmacist deals with that — they have a protocol to go through — to ensure that the person gets help and assistance. It is seen as a safe place to go to. We raised it with the Department of Health, and it looked at that. One of its concerns was that the pressure on pharmacies is so huge at the moment that it would be difficult. In Spain, pharmacies were selected because Spain had a very strict lockdown and a pharmacy was one of only a certain number of places that people could go to.

That is still in train, and we are looking at the potential for using it. It is something that, even longer term, might be quite useful. We forget sometimes, when we talk about lockdown increasing the risk of domestic abuse and violence, that some people who are subjected to coercive control are in lockdown almost permanently and their leaving the home can be incredibly difficult under normal circumstances. In those cases, a trip to the pharmacy might be one of the few opportunities that they ever get to raise an issue. Often, their partner even attends a GP appointment and sits in. GPs have to be really conscious of that as well. That is another issue that we are looking at. It is something that the Department of Health is looking at, in conjunction with people in our domestic violence team, to see whether there are ways to have that kind of mechanism in place. It is important to make help as accessible as possible.

The Chairperson (Mr Givan): Thank you. That concludes the session, Minister. It was much longer than I had anticipated. I thank you for spending the time with us and your Department for its continued engagement. It is appreciated. Obviously, it is a very dynamic situation and things are emerging. Hopefully, we will have the same responsive nature if it requires a further meeting, but I thank you for that.

Mrs Long: Absolutely. I want to say, without labouring the point, thank you to the Committee. It has been really helpful that you have continued to meet and also that you have continued to take an active interest. You might find that strange coming from me, given that you grill me when I come in, but I think that it is healthy and helpful.

The debate on Tuesday was very useful and highlighted some areas that we can look at and talk through. Today, we are discussing some ideas in response to some of the areas of concern that Members raised in the debate. Not all of them will lie in the gift of the Department of Justice, but there may be things that we can do to offer comfort, so that we are not ignoring the issues that have been raised. We will continue to respond as productively as we can.

I look forward to the Committee Stage of the Bill, and I wish you well with it. I encourage you not to tamper too far with what we are trying to achieve, because I would love to see it in place as quickly as possible, but I wish you well, because I think that the scrutiny is hugely important and I really respect the role that the Committees play. For most of the time that I have been in the Assembly, it has been to scrutinise what Ministers are doing rather than my being on this side of the table. I can assure you that I recognise how important it is, so thank you for what you are doing.

The Chairperson (Mr Givan): We appreciate that, and we have proposals to agree on the time frame in our next steps on that, once you leave, so thank you.

Mrs Long: I thought that it was particularly good that we met the deadline of getting our Bill to the Assembly on the same day as Westminster, so we are not behind yet. I will leave that with you, Chairman. *[Laughter.]*

The Chairperson (Mr Givan): No problem. Thank you, Minister.